Reserved

HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 272 of 2004 (MS)

Nand Ram Singh & others ... Petitioner

Versus

Motor Accident Claims Tribunal, Udham Singh Nagar and others .. Respondents

Dated: October 15, 2004

Hon. Rajesh Tandon J.

Heard Sri S.K. Mandal, learned counsel for the petitioner.

By the present writ petition the petitioners have confined their prayer only to the extent of release of the amount awarded by the respondent no. 1 in favour of the petitioners.

The claims Tribunal has awarded a sum of Rs.1,82,000/- to the petitioners on account of the death of Manthi Devi, wife of the petitioner no.1 and mother of the petitioners no.2 and 3 in a motor vehicle accident. The Claims Tribunal has directed that out of the amount of compensation a sum of Rs.10,000/- be paid to the petitioners for litigation expenses and rest of the amount be divided in three equal shares and be deposited in the fixed deposit for a period of 15 years in the names of Sri Nand Ram, Mukesh Singh and Dinesh Singh. The petitioners have submitted that the petitioners are labourers and they need the amount of compensation for their family expenses.

The jurisdiction under Article 227 of the Constitution of India is supervisory and that being also plenary therefore, the condition imposed by the Motor Accident Claims Tribunal while awarding the amount of compensation can be relaxed in the interest of justice.

Keeping in view the prayer made by the petitioners the judgment and award dated 20.11.2003 is modified and petitioner no.1 is permitted to withdraw the amount of his share in case. However, the amount deposited in the names of minor petitioners Mukesh Singh and Dinesh Singh shall remain in fixed deposit till they attain the age of majority.

Consequently the writ petition is allowed. No order as to costs.

(Rajesh Tandon J.)

October 15, 2004

*Dhyani